

House File 2159 - Introduced

HOUSE FILE 2159
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 529)

A BILL FOR

- 1 An Act relating to Miller trusts and including applicability
- 2 provisions.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 633C.3, subsection 1, unnumbered
2 paragraph 1, Code 2014, is amended to read as follows:

3 Regardless of the terms of a medical assistance income
4 trust, if the beneficiary's total monthly income is less
5 than one hundred and twenty-five percent of the average
6 statewide charge for nursing facility services to a private
7 pay resident of a nursing facility, then, during the life of
8 the beneficiary, any property received or held by the trust
9 shall be expended only as follows, as applicable, and in the
10 following order of priority:

11 Sec. 2. Section 633C.3, subsection 2, unnumbered paragraph
12 1, Code 2014, is amended to read as follows:

13 Regardless of the terms of a medical assistance income
14 trust, if the beneficiary's total monthly income is at or above
15 one hundred and twenty-five percent of the average statewide
16 charge for nursing facility services to a private-pay resident,
17 then, during the life of the beneficiary, any property received
18 or held by the trust shall be expended only as follows, as
19 applicable, in the following order of priority:

20 Sec. 3. APPLICABILITY. This Act applies to trusts in
21 existence on or after July 1, 2014.

22 EXPLANATION

23 The inclusion of this explanation does not constitute agreement with
24 the explanation's substance by the members of the general assembly.

25 This bill increases the percentage, relative to the average
26 statewide charge for nursing facility services to a private
27 pay resident of a nursing facility, to which the total monthly
28 income of a beneficiary of a Miller Trust is compared to
29 determine how any property received or held by the trust during
30 the life of the beneficiary is to be expended. Currently, the
31 comparative percentage is 100 percent of the average statewide
32 charge. The bill increases the percentage to 125 percent of
33 the average statewide charge.

34 The bill is applicable to trusts in existence on or after
35 July 1, 2014.